

REMARKS

This is in response to the final Office Action mailed July 13, 2007. Applicants respectfully traverse and submit for at least the reasons stated below, all pending claims are in condition for allowance.

Claim Amendments

Independent claims 1, 17 and 18 have been amended to recite limitations previously recited in claims 12 and 23 (as well as intervening dependent claims), respectively, therefore these amendments do not add any new subject matter. Claims 13, 26 and 33 have been amended to update dependency.

Claim 49 has been cancelled, without prejudice, for the sole purpose of advancing the present application to issuance.

Rejection of claims under 35 U.S.C. §112, ¶2

Claims 1, 17 and 18 stand rejected under 35 U.S.C. §112, ¶2 as being indefinite relating to the calibrating and purpose of the claimed “value.” Based on the amendments of claims 1, 17 and 18, Applicants respectfully traverse and submit the claims, as amended, are not indefinite. The Examiner asserts confusion regarding the “purpose” of the calibrating step, whereby as claimed this calibrating steps includes calculating an error rate for application to the further data source.

Rejection of claims under 35 U.S.C. §102(e)

Claims 49-52 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Published Application No. 2003/0110485 (“Lu”).

Applicants initially assert confusion because claims 50-52 do not depend from claim 49, but rather depend from claims 1, 17 and 18. Claims 1, 17 and 18 are not rejected as being anticipated by Lu, therefore it is improper for the dependent claims 50-52 to correspondingly be deemed anticipated in view of Lu.

Regardless thereof, Applicants herein cancel claim 49 for the sole purpose of advancing the present application to issuance. Applicants expressly note that the cancellation of claim 49 is done without prejudice is not meant as a concession or admission of the Examiner’s position regarding the anticipatory rejection. Rather, Applicants merely seek to advance the present application to issuance and hereby preserve the right to file a Continuation Application with previously pending claim 49 without conceding the claims as being unpatentable as being anticipated by Lu.

Therefore, as to claim 49, the rejection is moot. As to claims 50-52, the rejection is improper.

Rejection of claims under 35 U.S.C. §103(a)

Claims 1-2, 4-6, 10-11, 17-19, 31 and 33-35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lu in combination with U.S. Patent No. 6,842,782 (“Malik”)¹.

Applicants respectfully traverse, but in order to advance the present application, have amended claims 1, 17 and 18 in accordance with Examiner’s noted allowable subject matter.

¹ Applicants note that this is inconsistent with the listing of claims on page 5, ¶12, but rather Applicants listing of claims is consistent with the noted Allowable subject matter on page 15, ¶35

Claim 1 has been amended to recite limitations of claim 12, as well as intervening dependent claims. Claim 18 has been amended to recite limitations of claim 23, as well as intervening dependent claims. Claim 17 has been amended consistent with the amendment to claim 18, with updating additional limitations to reflect the second group being monitored resources instead of the monitored users of claim 18.

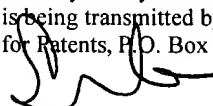
Therefore, Applicants submit that all pending claims are allowable, consistent with the Examiner's Allowable Subject Matter beginning at ¶35 on page 15.

For these reasons, the applicants respectfully request that the Examiner withdraw the rejections as they might be applied to the claims as pending following entry of this amendment and allow the claims. To expedite prosecution of this application to allowance, the Examiner is invited to call the applicants' undersigned representative to discuss any issues relating to this application.

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment to our Deposit Account No. 50-4026 if required in the submission of this Amendment.

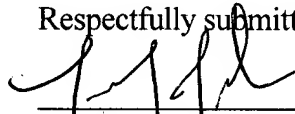
Dated: October 12, 2007

I hereby certify that the correspondence attached herewith is being transmitted by First Class Mail to, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450:



Susan Formicola
October 12, 2007
Date

Respectfully submitted,



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